

REMARKS

Status of the Claims

Claims 1-5 are pending in the application. Claims 1-3 are withdrawn due to a restriction requirement. Claims 4 and 5 are currently amended. Reconsideration and allowance of the pending claims is respectfully requested.

This amendment does not add new matter to the application as filed. The amendment to claims 4 and 5 generally replace the term "rate of hole area" with "porosity." The "surface porosity" and "inside porosity" amendments to claims 4 and 5 are supported in the specification at page 11, line 23 to page 12, line 12. The amendment to the average surface pore size in claims 4 and 5 is supported at page 30, Table 1-1, of the specification. Accordingly, no new matter is added and entry of this amendment is respectfully requested.

Claim Objections

The Examiner objects to claims 4 and 5 over the term "rate of hole area." The Examiner states that for purposes of examination the term "rate of hole area" will be interpreted as "porosity." Claims 4 and 5 are currently amended to replace the phrase "rate of hole area" with porosity. Applicants note that the term "rate of surface hole area" has been replaced with "surface porosity" and "rate of inside hole area" has been replaced with "inside porosity" in accordance with the meaning of those terms as described in the specification at pages 11 and 12. Accordingly, withdrawal of the objection to claims 4 and 5 is respectfully requested.

Claim Rejections - 35 U.S.C. §102

Claims 4 and 5 are rejected under 35 U.S.C. §102(b) as anticipated by Shigeru '476 (JP 2002-086476). Applicants respectfully traverse this rejection for the following reasons.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants submit that each and every element of the present claims are not described by Shigeru '476. Shigeru '476 does not disclose a porous film with an average pore size of from 0.7 to 10 μm as presently claimed. Accordingly, Applicants submit that this rejection must be withdrawn.

Applicants have currently amended claims 4 and 5 to recite that the average pore size at the surface is 0.7-10 μm . Shigeru '476 only discloses porous films with average pore sizes of from 0.23-0.28 μm . Applicants here include as **Exhibit 1** a section of the Japanese Publication of Shigeru '476. Table 1, shown in Exhibit 1, provides the average pore size, air permeability, and thickness, of each of the Shigeru '476 films. Applicants submit that Shigeru '476 does not disclose films that have an average pore size of from 0.7-10 μm as presently claimed. Accordingly, each and every limitation of the present claims is not disclosed by Shigeru '476, and this rejection must be withdrawn.

Applicants also submit that any potential assertion of obviousness based on Shigeru '476 would be unfounded. The porous films of the present invention, unlike those of Shigeru '476, have large and homogenous average pore sizes and can be used in membrane separation techniques, such as microfiltration, and separation-concentration methods. They can also be used

in a wide variety of substrate materials such as cell separators, electrolytic capacitors and circuit substrates by charging the pores with a functional material. Accordingly, the films of Shigeru '476 and the films of the present invention are not equivalent, and would not be expected by one of skill in the art to have similar properties.

Applicants respectfully submit that Shigeru '476 does not disclose or suggest porous films with an average pore size of 0.7-10 μm . Accordingly, claims 4 and 5 are patentable over Shigeru '476 and this rejection must be withdrawn. An early reconsideration and notice of Allowance are respectfully requested.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark Konieczny, Reg. No. 47,715 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/534,411
Amendment dated July 13, 2007
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Docket No.: 3273-0202PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: July 13, 2007

Respectfully submitted,

By 

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Attachment: Exhibit 1